

NEWS

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March 17, 1976

Chairman Robert E. Hampton of the U.S. Civil Service Commission today expressed Administration support for H.R. 12080, a bill designed to strengthen the merit system and to avoid a recurrence of the recent abuses and violations of personnel laws and regulations.

He suggested several modifications and refinements in the bill to achieve more workable procedures, but reiterated that the Administration stands behind the bill and will support its enactment.

Key changes suggested by Chairman Hampton are as follows:

1. Authorities

As framed, the bill would transfer certain authorities from the President to the Civil Service Commission, primarily to strengthen the Commission's hand in the enforcement of merit principles. The Commission supports the intent of this portion, but suggests that its ties with the President should not be weakened in the broader aspects of personnel management.

"We think," Chairman Hampton said, "that reform can better be accomplished by highlighting the President's responsibility for administration of the personnel laws while at the same time making these laws somewhat more specific. The same is true, we think, for the President's appointees who head the executive-branch departments and agencies."

Supporting this view, he said that the Commission's efforts to achieve more effective personnel management, particularly in such areas as executive development, productivity, labor relations, position management, and several other areas, are greatly strengthened because these efforts are backed by the President and integrated with the total management program for the executive branch.

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2. Enforcement

To strengthen the enforcement of merit system compliance, the bill would give the Commission statutory authority for investigation, enforcement, and reports. Chairman Hampton suggested that this portion of the bill be expanded to include evaluations of personnel management, and to distinguish clearly between investigations and evaluations.

"Investigative activities are called for when we are faced with evidence of serious merit system abuses that usually entail violations of law, Executive order, or regulation. Our evaluation activities, however, focus on assessing the effectiveness of personnel management in agencies."

In the same context, Chairman Hampton asked for a clearer distinction between corrective action required of an agency and disciplinary action against a person found in violation of merit law or principles.

He asked also that the separate agencies' responsibilities for evaluation, compliance, and enforcement be cast into law, with the Commission retaining jurisdiction and serving as final arbiter of results and corrective actions.

3. Employment Based on Merit

The bill would require that hiring and advancement of personnel be based on merit, and without regard to race, color, religion, sex, age, national origin, physical handicap, or political affiliation -- whether in the competitive service or the excepted service. The Commission strongly endorses this provision.

"The fact that positions are in the excepted service certainly should not mean that 'anything goes' in filling these jobs," Chairman Hampton said. "The exception means only that those jobs are not subject to those Commission employment requirements that flow from our responsibilities to regulate the competitive service."

Leaving aside the comparatively small number of jobs -- about 1,500 -- that the Commission has excepted because of their advocacy, confidential, or policy-making nature, he added: "We think political considerations must play no part in filling the approximately one million other excepted positions." (These include some 700,000 positions in the Postal Service, 29,000 in the Tennessee Valley Authority, 8,800 in the Foreign Service, and 45,700 in the Department of Medicine and Surgery of the Veterans Administration covered by agency-administered merit systems.)

Chairman Hampton also endorsed a provision of the bill that would relieve the Commission of its responsibilities for approving the qualifications of candidates for non-career assignments (the supergrade equivalent of Schedule C).

4. Prohibitions Against Personal Recommendations

Chairman Hampton expressed strong support for provisions of the bill aimed at preventing political influence and personal favoritism in employment.

Chairman Hampton stated his belief that the bill "does not intend to rule out proper referrals and recommendations that we solicit as part of our broad recruitment program. Nor does it intend to diminish the authority or responsibility of the Civil Service Commission and all Federal agencies to continue and increase their affirmative efforts toward the achievement of equal employment opportunity in the Federal service."

As an alternative to the bill's approach to dealing with job referrals, Chairman Hampton suggested that all referrals be simply answered with a polite letter informing the sender of the proper procedures that candidates might follow to obtain consideration for Federal employment.

5. Appeals

The Commission agrees with the bill that its enforcement role would be strengthened by relieving the Commissioners of any appellate responsibilities, particularly for those actions to which the Commission is a party, the Chairman said.

But the Commission recommended an alternative to the bill's approach to setting up an independent appeals authority outside the Commission -- specifically, the establishment of a statutory appeals board within the Civil Service Commission to adjudicate all appeals provided for by law or Commission regulation. Chairman Hampton cited the Board of Veterans' Appeals within the Veterans Administration as an appropriate model for an independent statutory body associated with the Commission.

He recommended steps to assure the independence of such an appeals authority, including appointment of its head through competitive procedures and delegating to the appeals body its own appointing authority by law.

"This arrangement would carry out the Subcommittee's intent both to establish the Commission as the principal agency for personnel policy formulation and to set up an independent quasi-judicial body to finally adjudicate cases," Chairman Hampton said.

This approach would also avoid confusion that might result from certain kinds of appeals being handled by an independent authority outside the Commission, while other types of appeals continued to be handled by the Commission. "In our opinion, dividing cases between two appellate authorities as the bill envisions would fragment authority to resolve issues and complicate appeal procedures," Hampton said.

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In closing, Mr. Hampton indicated that the Commission's staff is available, if desired, to assist the Subcommittee staff in drafting language "to achieve our common purposes."

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(Full text of testimony is available on request from the Commission's Office of Public Affairs -- phone (202) 632-5491.)